

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ORDER AMENDING  
SUPREME COURT RULE 15(b)

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ORDER

Before STEELE, Chief Justice, HOLLAND, BERGER, JACOBS and RIDGELY, Justices, constituting the Court *en Banc*.

This 27<sup>th</sup> day of June, 2008, it appears to the Court that it is desirable to amend Supreme Court Rule 15(b).

NOW, THEREFORE, IT IS ORDERED THAT, the following amendments shall be effective on August 1, 2008.

(1) Supreme Court Rule 15(b) shall be amended by inserting the heading “Extensions.” before the text of the subsection.

(2) Supreme Court Rule 15(b)(I) shall be amended by inserting the heading “Timely motion for first extension.” before the text of the subsection.

(3) Supreme Court Rule 15(b)(ii) shall be amended by inserting the heading “Clerk’s authorization to grant first extensions.” before the text of the subsection.

(4) Supreme Court Rule 15(b)(iii) shall be amended by inserting the heading “Timely motion for additional extensions.” before the text of the subsection.

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(5) Supreme Court Rule 15(b)(iv) shall be amended by inserting the heading “Untimely motions for extensions.” before the text of the subsection.

(6) Supreme Court Rule 15(b)(v) shall be amended by inserting the heading “Untimely submissions may not be filed.” before the text of the subsection.

(7) Supreme Court Rule 15(b)(vi) shall be amended by inserting the heading “Motions for extensions filed after due date.” before the text of the subsection.

(8) Supreme Court Rule 15(b)(vii) shall be renumbered to Rule 15(b)(ix) and shall be amended by (a) inserting, the heading “Appearance of party or attorney.” before the text of the subsection and (b) by substituting the phrase “and/or their” for the phrase “or the parties” after the first appearance of the word “parties” in the only sentence of the subsection.

(9) Supreme Court Rule 15(b)(viii) shall be renumbered to Rule 15(b)(vii) and shall be amended by (a) inserting the heading “Exceptional circumstances defined.” and (b) by deleting the phrases “the unique number and complexity of the issues on appeal; or exceptional circumstances of similar unavoidable nature.” and substituting in place thereof the phrase “or other circumstances of similar unavoidable nature.”

(10) New Supreme Court Rule 15(b)(viii) is hereby adopted to read:

“(viii) *Certification for untimely motions; sanctions.* Any motion filed by an attorney under subsection (iv) or subsection (vi) shall include a certification from the attorney

identifying all other motions for extensions filed in all other cases during the six months preceding the date of the current motion and noting which, if any, of those prior motions were filed under subsection (iv) or subsection (vi). Any attorney who, during the preceding six months, has filed more than two such out-of-time motions, will be subject to discipline for a performance deficiency under Supreme Court Rule 33.”

BY THE COURT:

  
Justice